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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STEFAN V. CHMIELEWSKI
DELPHI TECHNOLOGIES, INC.
Legal Staff Mail Code: CT10C
P.O. Box 9005
Kokomo, IN 46904-9005

EXAMINER	
LEE, SIU M	

ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/628,822	WALKER ET AL.	
	Examiner	Art Unit	
	SIU M. LEE	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13,14 and 16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13,14 and 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13, 14, 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 13, 14, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin (US 6,741,834 B1) in view of Lee (US 5,797,087) and Nakamura (US 6,006,076).

(1) Regarding claim 13:

Godwin discloses a method comprising the steps of:

determining if the receiver is set to a national information mode setting or a local information mode setting (step 710 in figure 7B) (column 9, lines 19-28);

upon determining when the national mode setting is detected, gathering location information of the receiver (step 806 in figure 8B) (column 8, line 67 – column 9, line 5);

downloading an available plurality of preferred local stations that correlate to the gathered location information (column 9, lines 5-9);

Godwin fails to disclose (a) choosing the a local station from the plurality of preferred local stations; (b) determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations; (c) playing a national broadcast signal; (d) monitoring for a time-slot interrupt or a signal interrupt; (e) detecting a time-slot interrupt or the signal interrupt and interrupting the national broadcast signal; and (f) initiating the playing of a local broadcast signal.

However, Lee discloses (a) a preset listening operation that choose at least one preset channel (column 4, lines 40-44); (c) while playing a first tuner 2 in figure 1 (step S2 in figure 2A, column 4, lines 13-14); (d) monitor for a time-slot interrupt (step S5 and S6 in figure 2A monitor for the preset start time, when the preset start time starts, the broadcasting of the first tuner 2 will be interrupt for a predetermined period of time, column 4, lines 48-53); (e) detecting a time-slot interrupt and interrupting the national broadcast signal (when the preset start time is the same as the present time, the microcomputer 9 outputs a control signal to the second tuner 3 at step S8 of figure 2A to tune the second tuner 3 on and then turn the first tuner 2 off, column 5, lines 1-2); (f) initiating the playing of a local broadcast signal (the preset broadcasting signal tuned by the second tuner 3 is applied to the RF amplifier, column 5, lines 4-7).

It is desirable to choose the a local station from the plurality of preferred local stations; play a national broadcast signal; monitor for a time-slot interrupt; detect a time-slot interrupt and interrupting the national broadcast signal; and initiate the playing of a local broadcast signal because it avoids the user to operate a audio system to select a

desired broadcasting program which is regularly broadcast (column 7, lines 8-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combiner the method of Lee with the method of Godwin to provide a more convenient system.

With respect to (b), Nakamura discloses a method that determine if the chosen data is available, if not available, search for the chosen local station or for another available station chosen from the plurality of preferred local station (when switched on, a process of selecting FM-broadcasting stations having electric field strengths higher than a specified level thereat, determining at the same time a correct reception ratio of received digital information for each searched FM-station under the control of the control processing device 4, on the basis of the correct reception ratios of the searched stations, which have been determined by the FM-multiplex radio-receiver 11, the control processing device provides FM station that supply the selected kind of information, flow chart in figure 3, column 4, lines 4-44).

It is desirable to determine the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations because it provides good reception FM station with selected information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the teaching of Nakamura in the method of Godwin and Lee to improve the performance of the method.

(2) Regarding claim 17:

Godwin discloses that the downloading step is performed at specific predetermined times (the RDBS database can be periodically updated via the satellite 108) (column 7, lines 29-30).

(3) Regarding claim 19:

Godwin discloses that the gathering location information of the receiver is conducted via a GPS signal (column 7, lines 30-35).

3. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin (US 6,741,834 B1) in view of Lee (US 5,797,087) and Nakamura (US 6,006,076) as applied to claim 13 above, and further in view of Alcock et al. (US 2004/0198389 A1).

(1) Regarding to claim 14:

Godwin, Lee, and Nakamura disclose all the subject matter except the method wherein prior to the downloading step, determined if the receiver is in need of a preferred local update in view of the gathered location information.

However, Alcock et al. discloses a method wherein prior to the downloading step (processing step 50 in figure 5), determined if the receiver is in need of a preferred local update in view of the gathered location information (discriminate step 44 in figure 5, discriminated 44 to determine if the incoming data is relevant (step 46) to the receiver's current location, if the data is not relevant, the data is discarded (step 48)) (paragraph 0034, lines3-10).

It is desirable to determine if the receiver is in need of a preferred local update in view of the gathered location information because it allows better network resource allocation and prevent processing useless data (paragraph 0005, lines 15-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the method of Alcock et al. in the method of Godwin, Lee, and Nakamura to improve the efficiency of the method.

(2) Regarding claim 20:

Godwin, Lee, and Nakamura disclose all the subject matter except the method wherein the gathering location information of the receiver is conducted via a manual user input of the receiver's geographic location.

However, Alcock et al. discloses a method wherein the gathering location information of the receiver is conducted via a manual user input of the receiver's geographic location (the desired destination can be input by user and the receiver will extract the appropriate geographic location specific information corresponding to the selected location from a broadcast signal) (paragraph 0042, lines 8-11).

It is desirable to gathering location information of the receiver is conducted via a manual user input of the receiver's geographic location because the information may be synchronized to the location of the user so that the user drives towards the destination city, the information is updated appropriately (paragraph 0042, lines 23-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as taught by Alcock et al. with the method of Godwin, Lee, and Nakamura to provide a more user friendly method.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin (US 6,741,834 B1) in view of Lee (US 5,797,087) and Nakamura (US 6,006,076) as applied to claim 13 above, and further in view of Lee et al. (US 6,829,475 B1).

Godwin, Lee and Nakamura disclose all of the subject matter except the downloading step is performed randomly by a national broadcaster service provider.

However, Lee et al. discloses a method comprising the downloading step is performed randomly (whenever the user request a recalibration of local audio stations) by a national broadcaster service provider (column 14, lines 56-61).

It is desirable to use the method as taught by Lee et al. because it will automatically update the database by the GPS signal when needed (column 14, lines 59-62). There, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Lee et al. with the method of Godwin, Lee and Nakamura to provide a more convenient method for the user.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin (US 6,741,834 B1) in view of Lee (US 5,797,087) and Nakamura (US 6,006,076) as applied to claim 13 above, and further in view of Yuhara et al. (US 2004/0192189 A1).

Godwin, Lee and Nakamura disclose all of the subject matter except the downloading step is performed when the receiver is activated.

However, Yuhara et al. discloses a receiver that the downloading step is performed when the receiver is activated (paragraph 0053, lines 7-16).

It is desirable to perform the downloading step when the receiver is activated because it would provide most updated database in the receiver (paragraph 0005, lines 3-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the method of Yuhara et al. in the method of Godwin, Lee, and Nakamura to provide reliable correct information for the user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schwob (US 5,732,338) discloses a broadcast receiver capable of autonomous format-scanning program identification and searching. Van Deursen (US 4,392,247) discloses a broadcast receiver with search tuning. Kimura et al. (US 5,819,166) discloses a receiving apparatus having a database containing broadcasting-station information. Dunn et al. (US 6,163,683) discloses a broadcast data radio system and receiving apparatus therefor. Heiderscheit et al. (US 7,054,601 B2) discloses an apparatus method for storing and selecting radio station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIU M. LEE whose telephone number is (571)270-1083. The examiner can normally be reached on Mon-Fri, 7:30-4:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Siu M Lee/
Examiner, Art Unit 2611
4/18/2008

/Chieh M Fan/
Supervisory Patent Examiner, Art Unit 2611